



ZFW

Docket No.: 1793.1082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byung-in MA

Serial No. 10/712,304

Group Art Unit: 2627

Confirmation No. 8870

Filed: November 14, 2003

Examiner: NGUYEN, LINH THI

For: OPTICAL INFORMATION REPRODUCING APPARATUS AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed July 25, 2006, having a shortened period for response set to expire on August 25, 2006, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Species I** in response to the preliminary restriction requirement set forth in the Office Action and identify claims reading on the species as follows:

Species I Claims 1-10 and 20-27;

Species II Claims 28-35

Species III Claims 11-19 and 36-38

II. Applicants Traverse the Requirement

Insofar as Species III is concerned, claims 11-19 and 36-38 of Species III are linked to claims 1-10 of Species I in that both independent claims 1 and 11 recite a combination including an RRU demodulator and an ROM-PIC demodulator. Further, claims 28-35 of Species II are linked to the claims of Species III in that all of independent claims 11, 28 and 36 recite a combination including a wobble PIC demodulator and a wobble PID demodulator.

Based on the foregoing, it is submitted that at least the Species I and the Species III claims should be examined together. Moreover, it is believed that evaluation of all of the claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Species II and Species III claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is not required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is not required.

III. Conclusion

In view of the foregoing, it is believed that upon reconsideration of the Examiner's initial restriction requirement, at least the Species I and Species III claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

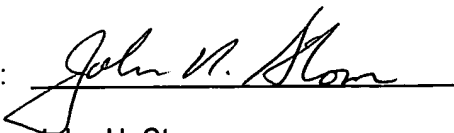
If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 8/23/06

By: 
John H. Stowe
Registration No. 32,863

1400 Eye St., NW., Ste 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510